

CITY COUNCIL PROCEEDINGS

Tuesday, May 17, 2011

6:00 p.m.

1. CALL TO ORDER AND ROLL CALL

Mayor Osborne called the regular May 17, 2011 City Council meeting to order at 6:15 p.m. in Council Chambers.

Those present were: Mayor Osborne, Deputy Mayor Wilson and Council Members Ageton, Appelbaum, Becker, Cowles, Gray, and Morzel.

Council Member Karakehian was absent.

A. NATIONAL KIDS TO PARKS DAY DECLARATION. – 6:20 P.M.

Mayor Osborne read a declaration honoring National Kids to Parks Day.

2. OPEN COMMENT and COUNCIL/STAFF RESPONSE – 6:23 p.m.

1. Bob Young with the Concerned Citizens Group spoke about the potential relocation of prairie dogs to the Richardson II parcel. He presented 800 signatures asking Council to reconsider this relocation.
2. Elizabeth Allen spoke regarding the Civic Use Task Force recommendations and felt the civic center area proposal was too small for downtown. Boulder should be about small venues.
3. Jay Blackwood also spoke in opposition to relocating prairie dogs to the Richardson II property. He noted the nearest colony was 100 yards away from the soccer field and the desire by Parks and Recreation to build another soccer field seemed to be an issue. He also raised concern the city would spend \$36,000 to relocate the prairie dogs.
4. William Blair noted he was concerned about the plague issue related to prairie dog relocation to the Richardson II property and his children playing near that area.
5. Carolyn Bninski spoke in support of a ballot initiative regarding Move to Amend to abolish the status of corporations as people.
6. Seth Brigham supported Ms. Bninski's comments on the initiative regarding "Move to Amend" and supported a resolution to end the war in Iraq. He opposed the proposed charter amendments to increase the number of petition signatures required to run for City Council.
7. Larry Buckendorf pooling time with Mary and Bill Althaus spoke in opposition to the relocation of prairie dogs in the Richardson II property.
8. Shannon Burke with the Fairview Net Zero group spoke in support of a ban on the use of plastic bags.
9. Paul Caldara spoke in opposition to the prairie dog relocation to the Richardson II property. He thought Council was more concerned with building new soccer fields. He also did not support the expenses of prairie dog relocation.
10. Rick Casey spoke in support of the Move to Amend campaign to amend the U.S. Constitution.
11. Scott Dixon urged Council not to move prairie dogs onto pristine open space property. If prairie dogs cannot be contained in their current location, it was not

- likely they could be contained in a new location.
12. Louise Gorsuch supported the Concerned Citizens of Gunbarrel that the city was pushing its problem into the County area and at the taxpayers' expense. She did not feel Boulder had a history of successful mitigation.
 13. Hannah Karpel with the Fairview High School Net Zero Club urged the city to address the reduction of single use bags in the Waste Reduction Master Plan.
 14. Stephen Kennan spoke to medical marijuana dispensaries and warned that southern Florida was implementing pain centers with other drugs.
 15. Anita Li representing Boulder Move to Amend supported the amendment to the U.S. Constitution to end corporate personhood.
 16. Judy Lubow, a Longmont resident, spoke in support of the Move to Amend initiative. Please give Boulder residents a chance to vote on this issue.
 17. Evelyn Nash spoke in support of a fee or ban on single use plastic bags.
 18. Robert O'Dea opposed the prairie dog relocation on Richardson II property. Boulder's prairie dog policy was a shining example of special interest groups shaping democracy. He urged Council to take a strong stance against this relocation.
 19. Kendra Prospero was also a concerned Gunbarrel resident speaking in opposition to the prairie dog relocation.
 20. Cliff Smedley spoke in support of the Move to Amend initiative.
 21. Lindsey Sterling Krank on behalf of Keep Boulder Wild supported relocation of prairie dogs into prairie dog conservation areas. She noted she e-mailed council some suggested mitigation proposals.
 22. Kirsten Walters and several students representing the Fairview Net Zero Club spoke in support of a .5 cent fee or ban on single use plastic bags.
 23. Ashwin Waran spoke in support of the Move to Amend initiative.
 24. Not registered, name not discernable on tape: raised concern about the chemicals that would be used before and after the prairie dog relocation.
 25. Not registered, name not discernable on tape: also opposed to prairie dog relocation as the Richardson II property.

City Manager Response:

City Manager Brautigam indicated staff was working on a report for the information packet to address the single use plastic bag issue. The report would go out some time in June.

Regarding prairie dogs, Ms. Brautigam responded to several questions Council Member Becker asked via Hotline yesterday. A proposed mitigation plan would be posted online on May 24 prior to applying with CDOW for the relocation permit. Council Member Becker commented that this would be brought up under Matters from the Mayor and Members of Council.

City Council Response:

Mayor Osborne indicated she was not familiar with poisons being used in the relocation of prairie dogs. Deltamethrin was on the City's approved pesticide list and was required to dust the burrows of the departing prairie dogs by the Colorado Department of Wildlife. The City was required by law to do this.

Council Member Morzel clarified that signs and ample notification would be required near the location prior to any pesticide application.

Council Member Cowles asked if there would be a public process surrounding this issue. City Manager Brautigam confirmed there would be.

Mayor Osborne asked staff to describe how the Move to Amend item could get onto the ballot. City Attorney Tom Carr noted that the Council could place the item on the ballot or it could be done via citizen initiative. Council could discuss the item under Matters and it would require a nod of five to direct staff work. Council Member Gray recommended a committee of Council to research more information on the item.

Council Member Gray clarified that the city's prairie dog relocation plan would be posted online for information only. The first public meeting with the neighborhood was held in March and numerous comments and suggestions had been coming in ever since.

Council Member Ageton asked about timing of the prairie dog relocation. City Manager Brautigam indicated the CDOW would be approached in early June for a permit. If the permit were ultimately granted, the prairie dogs would be moved in late July or August. If staff delayed any longer, it would become inappropriate to move them under the rules of the State. If that timeline went longer, the City would be forced to delay another year.

Deputy Mayor Wilson suggested there were some problems with the way prairie dogs were being managed and commented the policy was established in 2006 and perhaps needed more thought.

Mayor Osborne spoke to the hard work and effort in developing the master plan to address prairie dog mitigation.

3. **CONSENT AGENDA: - 7:34 p.m.**

- A. **CONSIDERATION OF A MOTION TO APPROVE THE APRIL 5, 2011 CITY COUNCIL MEETING MINUTES.**
- B. **CONSIDERATION OF A MOTION TO APPROVE THE APRIL 12, 2011 CITY COUNCIL MEETING MINUTES.**
- C. **CONSIDERATION OF A MOTION CALLING A SPECIAL MEETING AT 6:30 P.M. (OR AT THE CONCLUSION OF THE ENERGY ROUNDTABLE) ON TUESDAY, MAY 24, 2011 FOR A PUBLIC HEARING ON THE BOULDER VALLEY COMPREHENSIVE PLAN.**

- D. **CONSIDERATION AND DECISION ON A REQUEST FOR A MOTION TO AUTHORIZE THE DISPOSAL OF 2.561 ACRES OF LAND AROUND THE EXISTING FIRE STATION LOCATED AT 4390 ELDORADO SPRINGS DRIVE, BOULDER, TO THE ROCKY MOUNTAIN FIRE PROTECTION DISTRICT AND RESTRICTING THE USE OF THE PROPERTY TO FIRE STATION RELATED USES ONLY.**

CONSIDERATION OF A MOTION TO ADJOURN FROM CITY COUNCIL AND CONVENE AS THE DOWNTOWN COMMERCIAL DISTRICT BOARD OF DIRECTORS AND;

- E. **CONSIDERATION OF A MOTION TO ADOPT A RESOLUTION AMENDING THE 2011 DOWNTOWN COMMERCIAL DISTRICT (DCD) FUND (FORMERLY CAGID FUND) BUDGET.**

CONSIDERATION OF A MOTION TO ADJOURN FROM THE DOWNTOWN COMMERCIAL DISTRICT BOARD OF DIRECTORS AND CONVENE AS THE UNIVERSITY HILL COMMERCIAL DISTRICT BOARD OF DIRECTORS; AND

- F. **CONSIDERATION OF A MOTION TO ADOPT A RESOLUTION AMENDING THE UNIVERSITY HILL COMMERCIAL DISTRICT FUND (FORMERLY UHGID FUND) BUDGET. CONSIDERATION OF A MOTION TO ADJOURN AS THE UNIVERSITY HILL COMMERCIAL DISTRICT BOARD OF DIRECTORS AND RE-CONVENE AS CITY COUNCIL.**
- G. **SECOND READING AND CONSIDERATION OF A MOTION TO ADOPT ORDINANCE NO. 7792 APPROVING SUPPLEMENTAL APPROPRIATIONS TO THE 2011 BUDGET.**
- H. **INTRODUCTION, FIRST READING AND CONSIDERATION OF A MOTION TO ORDER PUBLISHED BY TITLE ONLY AN ORDINANCE AMENDING CHAPTER 13-1, "ELECTIONS" B.R.C., 1981, ESTABLISHING THE DEFINITION OF "BALLOT MEASURE" AND TO ESTABLISH THE DATE THAT THE TITLE OF A PROPOSED BALLOT MEASURE IS FIXED FOR PURPOSES OF THE FAIR CAMPAIGN PRACTICES ACT, AND SETTING FORTH RELATED DETAILS.**
- I. **INTRODUCTION, FIRST READING AND CONSIDERATION OF A MOTION TO ORDER PUBLISHED BY TITLE ONLY AN ORDINANCE DESIGNATING THE BUILDING AND PROPERTY AT 1921 PINE STREET, TO BE KNOWN AS THE BELL-BASS HOUSE, AS AN INDIVIDUAL LANDMARK UNDER THE CITY'S HISTORIC PRESERVATION CODE. OWNER/APPLICANT: WAYNE ROGERS.**

Council Member Morzel moved, seconded by Appelbaum to approve consent items 3A through 3I. The motion carried 8:0; Karakehian absent.

- 4. **CALL- UP CHECK IN: - 7:36 p.m.**
No interest was expressed in either of the potential call-up items.

ORDER OF BUSINESS

- 5. **PUBLIC HEARINGS:**
 - A. **THIRD READING AND CONSIDERATION OF A MOTION TO ADOPT EMERGENCY ORDINANCE NO. 7787 THAT PROPOSES AMENDMENTS TO TITLE 4, "LICENSES AND PERMITS," B.R.C. 1981, SPECIFICALLY RELATED TO SECTION 4-18-2, "PUBLIC PROPERTY USE PERMITS," B.R.C. 1981, REGARDING MOBILE FOOD VEHICLE SALES; ADDING A NEW SECTION 4-20-65, "MOBILE FOOD VEHICLE SALES," B.R.C. 1981; AND AMENDING TITLE 9, "LAND USE CODE," B.R.C. 1981, SECTION 9-6-5, "TEMPORARY LODGING, DINING, ENTERTAINMENT, AND CULTURAL USES," B.R.C. 1981, BY THE ADDITION OF A NEW SUBSECTION (D) REGARDING MOBILE FOOD VEHICLES SALES. – 7:37 P.M.**

Molly Winter, Director of the Downtown University Hill and Parking Services District provided a presentation on the item. Option A provided the addition of compost and recycling requirements. Option B, the staff recommendation, provided the compost and recycling requirements as well an increase in separation from a brick and mortar restaurant to 150 feet, and in commercial zones there would be a limit of 2 vehicles on private property. She also provided clarification of the definition of restaurant. Ms. Winter then spoke briefly to a couple proposed amendments (provided on a blue handout) and reviewed for Council the specifics of what would be allowed in commercial zones vs. industrial zones.

Ms. Winter noted that compostable plates were not a requirement of brick and mortar establishments and could be an additional expense to the mobile food vendors. She suggested a couple of issues needed additional follow up with other departments, such as parking and access to Parks and the need to more fully vet operational characteristics.

Council Member Gray suggested staff think about how to cover changes in performance standards as they came up without having the entire ordinance brought back.

Council Member Morzel asked how much discussion Downtown staff had had with the Parks and Recreation Department. Ms. Winter commented that conversations began in the fall of 2009 and staff focused on the industrial zones and commercial issues. Staff realized at that time that with Parks issues more analysis would be needed and require much more staff time. It was suggested staff move forward with the commercial/industrial zones to get the issue expedited and take up Parks at a later time.

Council Member Becker clarified that the ordinance prohibited amplified music. She asked whether schools were in public or residential areas. Charles Ferro clarified that some schools were in the public zone and others were in residential areas. Council asked, outside of special events, would the schools be able to allow mobile food vending. City Attorney Tom Carr indicated it depended upon the specific location and situation so it was not an easy answer.

Molly Winter noted that the city's work plan for the rest of the year would be reviewed on June 16 and this would need to be considered as a project impacting various departments.

The public hearing was opened:

1. Rayme Rosello, owner of the Comida food truck, thanked Council for their work on the issue and looked forward to working with the city. She indicated Comida had been part of Ecocycle's zero waste effort since the beginning. She encouraged Council Members to go to Prospect in Longmont to see what a pod really looked like. She urged Council to allow pods in North Boulder Park and other areas of the city.

There being no further speakers the public hearing was closed.

Council Member Appelbaum moved, seconded by Wilson to adopt Emergency Ordinance No. 7787 as reflected in Attachment B amending Title 4, "Licenses and Permits," B.R.C. 1981, section 4-18-2, "Public Property Use Permits," B.R.C. 1981; adding a new section 4-20-65, "Mobile Food Vehicle Sales," B.R.C. 1981; and amending Title 9, "Land Use Code," B.R.C. 1981, section 9-6-5 "Temporary Lodging, Dining, Entertainment, and Cultural Uses," B.R.C. 1981 by the addition of a new subsection (d) regarding mobile food vehicles sales; and include pages 1 and 2 of the blue handout provided by the City Attorney's office. The motion carried 8:0; Karakehian absent. 9:00 p.m.

Council Member Gray offered an amendment, seconded by Cowles to amend section (d)(1)(C) as presented in the white handout from the City Attorney's office to read "No person shall operate a mobile feed vehicle in a residential zone except with prior approval by the city manager in the parking lot or the public right-of-way adjacent to North Boulder Park or in any other park approved by the city manager." The motion carried 6:2; Appelbaum and Ageton opposed, Karakehian absent.

Council Member Cowles moved, seconded by Gray to amend the motion to strike paragraph iii. Under section (d) 1. (A) on page 19 of the memo and striking the word "and" in paragraph ii. The motion failed 3:5; Becker, Cowles, and Gray in favor; Appelbaum, Morzel, Ageton, Osborne and Wilson opposed; Karakehian absent.

Council Member Cowles moved, seconded by Morzel to amend section 9-6-5 (page 22) adding a new subsection (O) that vendors will not provide any plates, utensils, napkins, wrappers, containers, or other products that are not compostable. The motion failed 4:4; Ageton, Appelbaum, Osborne and Wilson opposed; Becker, Cowles, Gray and Morzel in favor; Karakehian absent.

- B. CONSIDERATION OF A MOTION TO ALLOW AN ACCESSORY STRUCTURE AT 855 JUNIPER AVENUE (#LUR2011-00009) TO EXCEED THE 20-FOOT HEIGHT LIMIT FOR ACCESSORY STRUCTURES BY ROUGHLY THREE FEET PURSUANT TO SECTION 9-2-14(B)(E), "HEIGHT MODIFICATIONS," B.R.C. 1981. THE REQUEST WAS CALLED UP BY COUNCIL ON MAY 3, 2011 AND THE HEARING WILL BE HELD UNDER QUASI-JUDICIAL PROCEDURES. APPLICANTS/PROPERTY OWNERS: CHRISTOPHER FOREMAN AND LAURA MCCAIN-FOREMAN. – 9:06 P.M.**

City Clerk Lewis swore in all participants in the hearing.

Ex-parte Communications:

Mayor Osborne disclosed that she visited the site.

Council Member Becker disclosed that she spoke to a Planning Board member about what considerations were taken into account when they voted on the item but all the same information was provided in the Council agenda materials.

Council Members Gray, Ageton, Appelbaum and Morzel also visited the site.

Charles Ferro provided an introduction to the item. Karl Guiler then provided an overview of the property location and site conditions.

Deputy Mayor Wilson asked what the general height of the trees were around the property and whether they would be left in tact. Mr. Guiler responded they would be left in tact and were approximately 20 to 30 feet high.

Council Member Morzel asked about an air conditioning unit facing the neighbors on the back of the accessory unit and whether there would be noise issues. Mr. Guiler responded that there were exemptions under 9-7-3 "setback encroachments" for air conditioning units. Ms. Morzel then asked whether there were other design solutions to avoid the additional height. Staff responded that yes, there were other design solutions but the process allowed for applicants to seek the height modification. Ms. Morzel expressed concern that the applicant could go in and develop the accessory building as an ADU.

Mayor Osborne raised concern about the sidewall articulation and staff noted that the building was not subject to the compatible development standards.

Annette Shaver, speaking on behalf of the applicant, provided a presentation noting that she hoped the three buildings on the property could share the open space between the buildings. The long 52 foot building created a very nice site plan but also presented issues with the slope of the land. Those issues had been addressed as much as possible through the site review process. She urged Council to uphold the decision of the Planning Board.

The public hearing was opened at 9:36 p.m.:

1. Tom Mayer, 918 Juniper, opposed the height modification. He felt it was unnecessary and set a bad precedent for the neighborhood. Society needed to learn to live within its limits.
2. Elizabeth Allen, 5000 Butte, opposed the height modification at 855 Juniper as she thought flexibility should mean "within" the parameters of the height guidelines.
3. John Gerstle, 920 Jasmine Circle, thanked Council for reviewing the item. The ability to plan around and anticipate development in neighborhoods was an important reason for having codes and regulations. The well being of the neighborhood should be a primary concern.
4. Richard Abrams, 900 Jasmine Circle, agreed with all of the speakers so far. He commented that the accessory building was directly in his line of site and thought new buildings should adhere to the restrictions.
5. Jane Monson was opposed to the height modification. She felt the structure was longer, taller and completely out of character with the entire neighborhood.
6. Liz Abrams, 900 Jasmine Circle, presented 4 letters from residents in close proximity to the 855 Juniper address who opposed the height modification.
7. Leonard May, 3016 9th Street, urged council to ensure consistency with the purposes and policies of the Boulder Valley Comprehensive Plan (which also included the compatible development ordinance). Approving this item would go against the intent of the compatible development ordinance.
8. Chris Foreman, 865 Kalmia, spoke to the historic use of the lot as a park like property for the neighbors until it was purchased. Neighbors weren't looking forward to change.

There being no further speakers the public hearing was closed at 10:03 p.m.

Council Member Gray moved, seconded by Morzel to deny application # LUR2011-00009 based on the findings that the project does not meet the site review criteria in three areas under F (i), (ii) and (iii) on page 6 of the memo. The motion carried 7:1; Becker opposed; Karakehian absent. – 10:15 p.m.

Council took a brief recess prior to taking up agenda item 5C.

Council Member Morzel moved, seconded by Appelbaum to suspend the rules and continue the meeting at 10:20 p.m. The motion carried 8:0; Karakehian absent.

Council took a brief recess prior to taking up agenda item 5C.

C. CONSIDERATION OF A MOTION TO APPROVE STAFF RECOMMENDATIONS ON HORSE USE IN THE WEST TRAIL STUDY AREA. – 10:20 P.M.

Mark Gershman and Steve Armstead provided the presentation on the item. Two proposals were presented for horse use in the West Trail Study area; proposals for mountain biking at Anemone hill would be brought back at a later time. Mr. Gershman provided some history of equestrian use in the West Trail area and indicated the goal was to provide some type of equestrian use and horse trailer parking and noted it was never suggested that equestrian use be banned entirely. Public feedback themes tended to lean toward support of the CCG recommendations. Mr. Armstead then outlined the Open Space Board recommendations related to horse trailer parking and access noting there were four off-trail options: 1) the City Council adopted Direction (horses not allowed off trail anywhere), B) Similar to first option, limited off-trail access, south of South Boulder Creek West Trail (would support Eldorado Springs resident access), 3) Off-trail access east of the Mesa Trail (including an area around Flagstaff Summit); and 4) the CCG Recommendation (off-trail horse access within the natural area and passive recreation area and not within the Habitat Conservation Area; except near the Wittemeyer property and Towhee area). Analysis factors included environmental protection, simplicity of regulations, terrain, compatibility with trail access and neighborhood access. Mr. Armstead then described how each option measured within the analysis factors. The staff recommendation was for option C, off trail travel, east of the Mesa Trail; Trail designations as recommended by the CCG with the modification City Council made to not allow horses on Towhee Trail; and adding trailer parking to South Boulder Creek West Trailhead.

Council Member Ageton asked about off trail use in the Sanitas/Wittemeyer area. Staff responded that horses would not be allowed off trail in those areas, only in the Flagstaff Summit area which was different from the CCG recommendation. She then asked about residents along Eldorado Springs Drive, west of the south Mesa Trailhead and clarified that they would not have off trail access. Staff indicated they did not receive any response of interest from those residents. She then clarified that no designated horse trailer parking currently existed at Flagstaff Summit but a large parking lot was available and utilized. No additional horse trailer parking was recommended in that area.

Deputy Mayor Wilson asked what on-trail meant. He wondered about horses stepping off trail so people could get around. Staff responded that this could be more clear in the regulations. The idea was that horses would not go a significant distance off trail to move aside for other users.

Council Member Cowles asked about the equestrian search and rescue unit. Staff commented that this was a volunteer group that assisted when needed and was not considered a recreational use. Regarding horse trailer parking between Boulder Canyon and Linden, he asked about parking areas near Sunshine Canyon. Staff indicated this area was considered but would create a difficult safety issue.

Council Member Appelbaum, seconded by Morzel to suspend the rules and continue the meeting at 11:00 p.m. The motion carried unanimously 8:0; Karakehian absent.

The public hearing was opened at 11:00.m.:

1. Pat Billig with the Open Space Board noted that the Board appreciated the amount of thought and energy from council on the issues. The Board planned to return within a couple of months on how to address the outstanding, overarching issues. They agreed with Council about closing the Towhee trail to equestrian use. She spoke to the scientific consensus that equestrian use was no more damaging than other uses. The Board thought the need for more horse trailer parking warranted a more in depth evaluation.
2. Suzanne Webel pooling time with Louise Gorsuch and Ray Bovet speaking on behalf of the Boulder County Horse Association spoke to all that equestrians gave up during the CCG process. She urged Council to reinstate the CCG recommendations and find additional horse trailer parking.
3. Fred Thrall agreed with Ms. Webel's comments and urged Council to support the CCG recommendations.
4. Elizabeth Johnson supported additional parking for horse trailers.
5. Dirk Arnold, President of the Boulder County Horse Association, offered their volunteer services to help maintain trails and urged Council to support the CCG recommendations.
6. Marilyn Stevens a photographer of horses/nature spoke to the culture of off trail riding and supported the culture. She supported the CCG recommendations.
7. Brian Boone spoke to the characteristics of living in Boulder surrounded by nature and outdoor activities and supported the CCG recommendations.
8. Dan Shier pooling time with Keith Brown and Linda Mackety and Chair of the Back Country Horsemen of America, supported dedicated horse trailer parking and urged Council approval of the CCG recommendations.
9. Cindy E. Johnson urged council to honor the public's feedback and support equestrian use and off-trail use on open space.
10. Maxine Dover, and Adams County resident who works in Boulder spoke to rescuing a hiker on horseback once and urged Council to support the staff recommendation
11. Rick Johnson pooling time with William H. Grimditch and Heidi Grimditch spoke to access needs for rescue purposes and the need for trail access other than off highways where cars are traveling high speeds. He urged Council to support the Open Space Board recommendations.
12. Cathy Bickell pooling time with Shelley Dunbar and Donna Coffey thanked Council for revisiting the issue. She had been involved with trails for many years in various capacities and urged Council to support Option D, the Open Space Board of Trustees

recommendations and concurred with Ms. Webel about keeping Towhee open for now.

13. Brittany Lloyd on behalf of the CU equestrian team urged Council to continue allowing access for equestrian use as it also supported her team of 40 people and 10 horses at CU.
14. Marty Marten an off trail user and disabled, spoke on behalf of the disabled community that riding horses helped him improve mentally and physically.
15. Lynda M. Dehn clarified that boarding stables were not commercial use entities. Please support the Open Space Board of Trustees recommendation.
16. Lisa Schafer pooling time with Margaret McKinley and Sarah Ruff and a Sunshine Canyon resident spoke to the need for elements of the Visitor Master Plan be included in Council's decision. She urged Council to support the CCG recommendations.
17. Scott Peppet pooling time with Jennifer Kronenberg and Jody Marken spoke to inaccurate statements being made throughout the process by people desperate to have their needs met. He urged Council to trust its trustees and support the CCG recommendations.
18. Elaine Maldin a member of the Boulder County Horse Association supported the Open Space and CCG compromises and urged Council to do the same. She supported additional horse trailer parking.
19. Susan Douglass supported Council's March 30 decision and supported something in between options A and B.
20. Rachel Katz, Longmont resident, urged additional horse trailer parking and off trail riding access.
21. Bill Scebbi, Executive Director of the Colorado Horse Council, provided some brief statistics to support trail riding and the economic benefits from horse owners.
22. Raymond Bridge, CCG member, supported the March 30 Council decision and urged Council to support adaptive management.
23. Karen Holwig spoke to her observation of two horses jumping the creek and causing erosion and urged the off trail restrictions. She also strongly urged Council not approve off trail use near the Flagstaff Summit.
24. Mike Barrow, Lafayette resident, noted time would be better spent on the capacity problem and urged Council to support the staff recommendation.
25. Speaker name was not identifiable on video. Urged Council to support the CCG recommendations.

There being no further speakers the public hearing was closed.

Council Member Cowles commended staff's work on this issue.

Council Member Ageton moved, seconded by Becker to accept the Open Space Board of Trustees recommendations contained in the memorandum to accept the council recommendation to close the Towhee Trail to equestrian use, reinstate the CCG plan recommendations regarding evaluation of addition equestrian parking except for the Chautauqua area with an emphasis on creative solutions for managing equestrian/non-equestrian parking and to approve the CCG plan for off trail use and emphasize the importance of adaptive management in the event that equestrian use substantially increases in the future with one exception that the Anenome section be excluded until better information is available about the impacts of the fire in that area and any trail planning which was prior direction from Council.

Council Member Gray offered a substitute motion, seconded by Osborne to approve for inclusion in the West Trail Study Area Plan Option C titled “Off Trail Access East of the Mesa Trail For Off Trail Equestrian Travel.”

Mayor Osborne offered a friendly amendment (attachment F) with the recommendation from the Open Space Board of Trustees. The friendly amendment was accepted.

Vote was taken on whether to vote on the substitute motion. The motion carried 6:2; Ageton and Becker opposed; Karakehian absent.

Vote was taken on the substitute motion to approve for inclusion in the West Trail Study Area Plan Option C titled “Off Trail Access East of the Mesa Trail For Off Trail Equestrian Travel.” The motion carried 6:2; Ageton and Becker opposed; Karakehian absent. 12:50 a.m.

6. MATTERS FROM THE CITY MANAGER: - 12:50 a.m.

A. CONSIDERATION OF A MOTION TO ACCEPT THE RECOMMENDATIONS OF THE CIVIC USE TASK FORCE IV AND THE NEXT STEPS RECOMMENDED BY STAFF REGARDING THE DEVELOPMENT OF THE CIVIC USE PAD IDENTIFIED IN THE 9TH AND CANYON URBAN RENEWAL PLAN.

Molly Winter introduced the item and provided some background on the Task Force’s work and charge since October 2009. Matt McMullen, Chair of the Task Force (CUTF), spoke to the Task Force accomplishments in analyzing opportunities and challenges, developed vision and performance criteria, communication with the community, obtained a site evaluation, re-envisioned “civic Use,” offered recommendations and enhanced the relationship with the St. Julien. The CUTF found that the single user concept was unrealistic, the 20% requirement was too much for a single user, the 500 seat theatre was not realistic, and partnerships were key (public/private and for-profit/non-profit). In re-envisioning civic use, the “layer cake” strategy was used to describe the costs and risks of development into smaller components, introducing appropriate for-profit uses, and long-term financial sustainability for civic use through reinvestment of revenues from the site. The first level would be private use, second level meeting space and third level civic use. Next steps included design and financial analysis of layer cake approach, continued involvement of St. Julien Partners and CAGID, Defining the role for continuing CUTF IV and an outreach strategy and plan.

Mayor Osborne moved, seconded by Cowles to accept the recommendations of the Civic Use Task Force IV and the next steps recommended by staff regarding the development of the Civic Use Pad identified in the 9th and Canyon Urban Renewal Plan.

7. **MATTERS FROM THE CITY ATTORNEY:**

None.

8. **MATTERS FROM MAYOR AND MEMBERS OF COUNCIL:**

A. POTENTIAL CALL-UPS:

1. **LANDMARK ALTERATION CERTIFICATE TO DEMOLISH AN EXISTING HOUSE AND IN ITS PLACE CONSTRUCT A TWO-STORY, 3,080 SQ. FT. HOUSE AND 340 SQ. FT. FREE-STANDING GARAGE AT 580 SPRUCE STREET IN THE MAPLETON HILL HISTORIC DISTRICT, PER SECTION 9-11-18 OF THE BOULDER REVISED CODE (HIS2011-00025). INFORMATION PACKET DATE MAY 11, 2011. LAST OPPORTUNITY FOR CALL-UP IS MAY 17, 2011. APPROVED BY THE LANDMARKS BOARD 3-2; PODMAJERSKY AND GERWING OPPOSED.**

No action was taken on this item.

2. **LANDMARK ALTERATION CERTIFICATE TO DEMOLISH A NON-CONTRIBUTING GARAGE AND IN ITS PLACE CONSTRUCT A TWO-CAR, 594 SQ. FT. GARAGE AT 568 MARINE STREET IN THE HIGHLAND LAWN HISTORIC DISTRICT, PER SECTION 9-11-18 OF THE BOULDER REVISED CODE (HIS2011-00051). INFORMATION PACKET DATE MAY 11, 2011. LAST OPPORTUNITY FOR CALL-UP IS MAY 17, 2011. APPROVED BY THE LANDMARKS BOARD 5-0.**

No action was taken on this item.

B. DISCUSSION OF CHARTER COMMITTEE REPORT. – 1:10 a.m.

Council Member Ageton commented that Council met earlier that evening from 5-6 p.m. and discussed a number of proposed ideas for the Charter that could be considered.

Council Member Ageton moved, seconded by Morzel to direct staff to prepare ordinance language for the items specified in agenda memo 8B of the May 17 Council Agenda, these ordinance include 1) clarifying charter language to be consistent in practice regarding positions and departments and administrative duties, 2) increasing penalties for Charter violations, 3) clarifying election practices, and 4) clarifying the practices to certify initiative petitions and to comply with coordinated election requirements and council calendar and to also direct staff to develop ballot language regarding Charter Section 7 to allow council compensation for a total of 48 meetings Annually. The council also requests that the City Attorney develop a clear definition for "meeting" that qualifies for compensation.

OTHER MATTERS:

Council Member Becker spoke to the prairie dog relocation issue at the Richardson II property noting the process was moving too quickly. Council Member Gray suggested staff could submit a mitigation plan to City Council ahead of time. Council Member Becker suggested Council consider discussing this at its June 7. She hoped for an opportunity for more public input and more Council information/review. Mike Patton responded to a question from Ken Wilson that there were no other relocation spots that would be less controversial. Council Member Becker spoke to the need for Council Members to be better informed ahead of time.

9. **PUBLIC COMMENT ON MATTERS:** None.

10. **FINAL DECISIONS ON MATTERS:** Action on motions made under Matters.

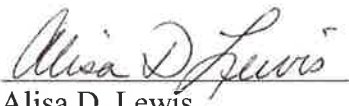
Vote was taken on the motion to accept the recommendations of the Civic Use Task Force IV and the next steps recommended by staff regarding the development of the Civic Use Pad identified in the 9th and Canyon Urban Renewal Plan. The motion carried unanimously 8:0; Karakehian absent. 1:40 a.m.

Vote was taken on the motion to direct staff to prepare ordinance language for the items specified in agenda memo 8B of the May 17 Council Agenda, these ordinance include 1) clarifying charter language to be consistent in practice regarding positions and departments and administrative duties, 2) increasing penalties for Charter violations, 3) clarifying election practices, and 4) clarifying the practices to certify initiative petitions and to comply with coordinated election requirements and council calendar and to also direct staff to develop ballot language regarding Charter Section 7 to allow council compensation for a total of 48 meetings Annually. The council also requests that the City Attorney develop a clear definition for "meeting" that qualifies for compensation. The motion carried 8:0; Karakehian absent. 1:43 a.m.

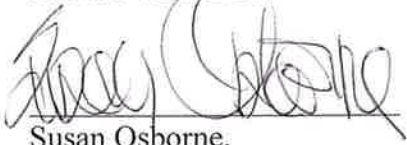
11. **ADJOURNMENT**

There being no further business to come before Council at this time, BY MOTION REGULARLY ADOPTED, THE MEETING WAS ADJOURNED AT 1:43 A.M.

ATTEST:


Alisa D. Lewis,
City Clerk

APPROVED BY:


Susan Osborne,
Mayor